

ZONING BYLAW AMENDMENT/Signs

ARTICLE NO. ##: To see if the Town will vote to amend Chapter 179 of the Brewster Town Code, Zoning, Article VI, Signs, by deleting the entire existing text and replacing it with the following text:

ARTICLE VI Signs

§ 179-18. Purpose and Scope.

- A. The purpose of this article is to regulate signs in order to facilitate communication, promote the safety of motorists and pedestrians by preventing distractions and obstructions of public ways and walks, prevent visual clutter, and encourage economic development by allowing siting of signage that identifies businesses and other land uses in ways that complement and enhance our community's character.
- B. This Article establishes the comprehensive regulations and conditions under which signs are permitted within the Town of Brewster in accordance with the powers set forth in MGL C. 40A and MGL C. 93, §29. This sign regulation provides a permitting system to govern the placement of advertising and other informational signs both outdoors and in windows within the Town of Brewster.

§ 179-19. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ABANDONED SIGN — A sign for a business or other use that has not been in active use for two or more years.

A-FRAME SIGN — A self-supporting, two-sided, sign.

ANIMATED SIGN — A sign that uses actual movement or the illusion of movement.

AWNING SIGN — A sign attached to or printed upon an awning.

BUILDING OFFICIAL — The Brewster Building Commissioner, Local Inspector, or a designee.

BUSINESS OPERATION SIGNS -- Any on-premises sign indicating whether the business is open or closed and/or the days and hours of operation.

BUSINESS DIRECTIONAL OR TRAFFIC SAFETY SIGN — A sign marking entrances, exits, parking areas or other operational features of the premises and providing directions for the safe and/or efficient flow of traffic.

BUSINESS "OPEN" FLAG — A flag that alerts the public that a location is open for business.

CAUTIONARY SIGNS -- Signs warning of prohibited activities such as trespassing, hunting, fishing, or swimming.

CHANGEABLE-COPY SIGN — A sign that is designed so that graphics and/or characters can be changed or rearranged without changing the dimensions of the sign.

CLUSTER SIGN -- A sign that provides space for identifying multiple tenants or uses within a single development.

CONSTRUCTION SIGN — A temporary sign identifying a commercial vendor participating in the construction, alteration or maintenance on the property on which the sign is located.

DIRECT/EXTERNAL LIGHTING — Illumination by means of a light source that is external to the sign being lit.

FLASHING SIGN — A sign that is illuminated by intermittent or sequential light emission.

GROUND/FREESTANDING SIGN -- A sign extending from the ground but not attached to any part of a building.

HOME OCCUPATION SIGNS -- Signs identifying any home occupation as defined by the Brewster Zoning Bylaw.

HOME PRODUCTS SIGNS – A sign offering items grown or produced on a residential property for sale to the public, such as fresh flowers and eggs

INFORMATIONAL SIGN — An on-premises sign specific to a public or private nonprofit purpose, such as handicapped accessible, public rest rooms, public phone or tourist and visitor information.

INTERNAL LIGHTING — Illumination by means of a concealed light source.

INTERPRETIVE DISPLAYS — Boards or exhibits proposed by a Town governmental body or a nonprofit educational organization to convey regulations or explain the significance and public purpose of a program or policy, such as resource protection, at a public or private nonprofit site.

INTERSECTION ISLAND SIGN – A sign naming an individual, for-profit organization or not-for-profit organization that volunteers to maintain and/or landscape an intersection island.

KIOSK – A freestanding structure with one or more sides upon which information is placed for review and/or distribution.

LADDER SIGN – A freestanding sign with two vertical supports and two or more crosspieces serving as individual signs.

MUNICIPAL PROPERTY -- Any land owned and/or controlled by the Town of Brewster.

MUNICIPAL SIGNS– Signs, including those alerting the public to projects funded by the Community Preservation Act, posted by a Town entity required or authorized for a public purpose by law or statute.

NON-CONFORMING SIGN — A sign that was erected legally but that does not comply with subsequently enacted regulations.

OFF-PREMISES SIGN -- Signs placed on property separate from where a business is located.

ON-PREMISES SIGN -- Signs placed on the same property where a business is located.

POLITICAL SIGN — A sign urging voter support or opposition for a particular election issue, political party, or candidate for public office.

PROJECTING SIGN — A sign that extends from a wall or roof of a building.

PROTECTED CONSERVATION LAND SIGNS – A sign noting that a particular property is owned by a conservation or wildlife protection organization

QUARTERBOARD — A carved and/or painted wooden wall sign fashioned after those traditionally used on sailing vessels.

REAL ESTATE SIGN — A sign advertising the sale, rental, or lease of a designated structure or land area for a permitted use on which the signs are located.

SANDWICH SIGN — See “A-Frame Sign”

SIGN — An accessory structure to a permitted use which includes every instance of advertising, text or graphic, erected or maintained in open view primarily for identification or promotion of any commercial enterprise or not-for-profit. This shall include the sign structure, supports, lighting system, and any attachments, flags, ornaments, or other features used to draw the attention of observers and shall further include collection boxes. It shall not include indoor or outdoor displays of merchandise for sale on the premises.

SIGN HEIGHT — The distance measured from the highest point of a sign to the grade beneath the sign.

SUBDIVISION SIGN — A sign placed at the street entrance to a subdivision.

SUBDIVISION LOT PLAN SIGN — A sign depicting the lot plan of a subdivision for the purpose of advertising said lots for sale.

SUBSIDIARY SIGN — A small sign attached to another sign.

TEMPORARY SIGN — A sign intended for use for 60 or fewer days.

TOWN AND COMMUNITY EVENT SIGNS. Signs for events that have been declared by the Board of Selectmen, their designee or by vote of Town Meeting.

UMBRELLA SIGNS -- Signage on an umbrella that advertises a particular product for sale on the premises.

VISITOR INFORMATION SIGN – Signs alerting the public to not-for-profit organizations providing this service.

WALL SIGN — A single-faced sign attached parallel to or painted on a vertical exterior wall not projecting more than 12 inches beyond the wall surface to which the sign is attached and not extending beyond the edges of the wall to which the sign is attached.

WINDOW SIGN — Any sign placed inside a window within 24 inches of the window glass facing the outside with characters that exceed two and one-half (2 1/2) inches in height and which is intended to be read from a public way.

ZIPPER SIGN – An animated sign with a message in lights that travels across the surface of the sign.

§ 179-20. General requirements.

- A. Before a sign is erected, altered or moved, it shall conform to all applicable requirements contained in this bylaw, including any Old King’s Highway Historic District requirements when applicable, and shall be approved by a Building Official through the issuance of a permit, unless the sign is expressly exempted herein.
- B. A pre-application conference with the Building Department is encouraged in order for the applicant to become acquainted with requirements.
- C. All signs shall be placed so as to not obscure other signs to the greatest extent possible.

- D. No signs shall be located in a road right-of-way nor shall they be located so as to block all or part of a sidewalk, stairway, driveway or parking lot, interfere with snow removal, or impair sight distances for motorists, bicyclists or pedestrians.
- E. If signs are illuminated, it shall be done by a direct, shielded, external light source or by a light source internal to the sign. Light bulbs or tubes (including neon) shall not be visible to the motoring public from a public way.
- F. Non-municipal developments having more than one tenant or use shall provide a master sign plan for the entire structure or development prior to the issuance of a sign permit by a Building Official.

§ 179-20.1 Sign area regulations.

- A. Unless otherwise specified, all signs shall meet the area measurement requirements of this section.
- B. The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign. Structural members not bearing advertising matter shall not be included in the computation of surface area.
- C. For the following uses, accessed directly from a street, right-of-way or parking area, the maximum permitted area of a ground/freestanding sign not otherwise exempted by Section 179-20.3 herein shall be as follows:

Use	Size (in square feet) (E = Exempt)		Use	Size (in square feet) (E = Exempt)
Construction Trailer	E		Cemetery	12
Church or other religious use	16		Crematory	16
Educational use, non-profit	16		Essential services	E
Historical association or society	12		Museum	16
Non-profit recreational facility	12		Power plant, water filtration plant, sewage treatment plant	16
Solar array on Town-owned land	8		Town building, police station and fire station, except equipment garage	E
Agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, as those terms are defined in Massachusetts	16		Commercial stable, kennel or veterinary hospital in which all	16

General Laws, Chapter 40A, §3		animals are completely enclosed in pens or other structures, unless exempted pursuant to MGL c.40A, §3.	
Temporary (not to exceed erection or use for a period of 3 months in any one year) greenhouse or stand for retail sale of agricultural or farm products, unless exempted pursuant to MGL c.40A, §3	12	Year-round greenhouse or farm stand for wholesale and/or retail sale of agricultural or farm produce, unless exempted pursuant to MGL c.40A, §3	12
Amusement arcade	16	Amusements, outdoor commercial	16
Antique shop, Art gallery	12	Assisted Living Facility	12
Automated and drive-through financial establishments/structures	4	Automotive repair, automobile service station and garage, not including a junkyard or open storage of abandoned automobiles or other vehicles	16
Bed and Breakfast	12		
Boat building or marine construction work and fabrication of marine and fishing supplies	16	Business offices and services	16
Children's recreation camp	12	Commercial parking lot or structure	4
Country, hunting, fishing, gun, tennis or golf club	12	Educational Use, for profit	12

Establishment selling new automobiles and/or used automobiles and trucks, new automobile tires and other accessories, boats, motorcycles and household trailers.	16		Funeral home or mortuary establishment	16
Gift Shop	16		Home Occupation	4
Hotel and motel	16		Lodging house	12
Medical/dental clinic	16		Medical/dental office	16
Membership organization	12		Movie theater, drive-in	16
Nursing or convalescent home	12		Personal service establishment	16
Planned business development	See §179-20.1 D		Recreation facilities and services, private	16
Repair services	16		Repair services, excluding outside storage of items for repair	16
Restaurant, full-service and lounge	16		Restaurant, limited service	16
Retail store	16		Row commercial	See §179-20.1 D
Septic tank pumping service	16		Theater, indoor	16
Building and construction trades shop or garage	16		Construction materials sales and service	16
Excavations and/or removal of sand, gravel. Quarry or other new material	16		Freight transportation service	16
Manufacturing	16		Other transportation services, except airports, heliports and all air support facilities	16

Processing and treating of mixed and quarried raw materials, including operations appurtenant to the taking, grading, drying, sorting, crushing, grinding and milling operations	16		Wholesale trade	16
Permitted uses not otherwise identified	8			

- D. Except for uses not otherwise indicated, another sign not to exceed 6 square feet is permitted, but cannot be combined with the ground/freestanding sign.
- E. Non-municipal developments having more than one tenant or use within a project or premises may construct, with an approved master sign plan, one Cluster Sign containing the name of the development and/or listings of individual businesses, products or services within the development. Such sign may be 16 square feet or up to 3 square feet per business, whichever is larger. In addition:
 - 1. Each tenant may have signage at the location of its business of up to 16 square feet
 - 2. Sign area cannot be transferred from one tenant to another.
- F. No one sign shall exceed 16 square feet.
- G. No ground sign may exceed 10 feet in height unless otherwise specified
- H. Where there are two faces back to back, the total area of the largest single face shall determine the area of the sign.
- I. All signs not otherwise exempt by Section 179-20.3 are included within the total signage calculation, and include any sign on a property at any time, including signs taken in or turned off on a daily basis, such as A-frame signs, and window signs.
- J. Exceptions to this by-law may be allowed by special permit from the Planning Board.

§ 179-20.2 Construction and maintenance.

- A. If a Building Official believes that a sign and/or structure regulated by this article is not being kept in good repair, written notice shall be sent, by certified mail, return receipt requested, to the person or persons to whom the permit was issued, and the property owner. If the specified defects in the sign and/or structure have not been corrected or the sign removed within 30 days, the Building Official shall revoke the permit and shall notify the person(s) to whom the permit was issued that the sign is now in violation of this Article and must be removed.
- B. Old signs and related hardware/structural supports shall be removed before any new sign is erected but any related hardware/structural supports may be incorporated into the overall design or structural support of the new sign and approved pursuant to this article.
- C. The Building Official shall have the authority to order the repair, alteration or removal of any sign or structure that constitutes a hazard to public health and safety or which is otherwise not in compliance with this by-law.
- D. If an immediate public safety concern so requires, the Building Official may take any necessary action, including removal of a sign.

§ 179-20.3. Exemptions from permit requirements.

The following signs do not count towards the total permitted signage unless otherwise indicated (See §179-20.5) and do not require a permit unless such signage is located in the Old King's Highway Historic District:

- A. Awning signs identifying a product, not a specific business
- B. Business operation signs
- C. Cautionary signs
- D. Construction signs
- E. Directional or traffic safety signs
- F. Home occupation signs
- G. Home products signs
- H. Intersection island signs
- I. Municipal
- J. One "Open" flag
- K. Open house and yard sale signs if displayed for not more than 48 hours
- L. Political signs
- M. Protected conservation land signs
- N. Quarterboard, residential, non-commercial
- O. Real estate signs
- P. Special event flyers measuring not more than two square feet in total area
- Q. Umbrella signs identifying a product, not a specific business
- R. Outdoor vending machines: one per premises unless more are allowed by special permit
- S. Window signs

§179-20.4 Prohibited signs

- A. Animated signs
- B. Zipper signs
- C. Flashing Signs, not including school crossing signs

§ 179-20.5. Additional Regulations for specific types of signs.

- A. **A-frame, Sandwich signs.** Such signs shall not exceed 6 square feet, or 36" by 24" in any dimension.
- B. **Awning signs.** Letter or graphics on an awning that identify a business by name, phone number or services offered shall count towards total signage. Awning sign area shall be computed by measurement of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display.
- C. **Business Operation Signs. Such signs shall not exceed one square foot.**
 - 1. **Construction signs.**
 - a) No permit is required.
 - b) One sign is permitted per street frontage
 - c) Signs may not exceed nine square feet in area.
 - d) Signs must be placed on the advertised property or work site.
 - e) There is no time limit on the duration of construction signs, however, signs shall be removed within seven days of issuance of an occupancy certificate or completion of work.

- D. **Directional or traffic safety signs.** In addition to other permitted signs, directional,

warning or traffic signs necessary for the safety and convenience of customers, employees, visitors and the public are permitted in all areas. Signs shall not exceed one square feet in area.

- E. **Home Occupation signs.** Such signs shall not exceed 4 square feet. One sign is permitted per dwelling.
- F. **Home Product signs.** Such signs shall not exceed 4 square feet. One sign is permitted per dwelling.
- G. **Informational signs.** Such signs shall not exceed one square foot in area.
- H. **Interpretive displays and kiosks.**
 - 1. For interpretive displays, the maximum area of a single such sign shall not exceed 50 square feet, and the highest point after installation shall not exceed 144 inches.
 - 2. For kiosks, the footprint shall not exceed 40 square feet, and the height shall not exceed 10 feet.
 - 3. Signs in viewsheds and on beaches shall be installed angled 20° from the horizontal plane so as to reduce visual obstruction. Interpretive signs or kiosks shall not block or obstruct a scenic view or visual corridor.
- I. **Intersection Island Signs.** Any individual, for-profit organization or not-for-profit organization that volunteers to maintain and/or landscape an intersection island is permitted to erect one sign not to exceed one square foot in size, and one foot in height, upon said island. No direct, external, or internal lighting shall be permitted. The sign must be promptly removed when the individual, for-profit or not-for-profit organization ceases to maintain and/or landscape the intersection island. Permission to maintain an intersection island is granted by the Board of Selectmen.
- J. **Municipal signs, additional requirements.**
 - 1. Municipal signs that announce water system information or municipal traffic signs, as approved by the Brewster Police and Brewster Department of Public Works, shall be permitted in a public right-of-way as a matter of right.
 - 2. Permanent municipal signs shall not exceed 30 square feet.
 - 3. Town departments shall have authority over any sign placed on the land and/or buildings under their control, including signs placed by other Brewster municipal entities. Signs may remain in place as needed, at the discretion of the entity with authority over the property. Notice of such signs shall be required to be filed by the Town entity with the Building Official prior to display. Note that this does not apply to the following: election/Town Meeting signage, public safety signage, and Water Department signage.
- K. **“Open” Flag.** One "open" flag per business establishment shall be allowed and shall not exceed 3 feet by 5 feet in size.
- L. **Protected conservation land signs.** Such signs shall not exceed 4 square feet.
- M. **Real estate signs.** One sign of not more than nine square feet shall be allowed per street frontage and waterfront side of the advertised property, shall not be illuminated, shall not be located within the public right-of-way, and shall be removed immediately once the property is off the market, or within 7 days of rental, lease or completion of sale. Real estate signs do not require a permit.
- N. **Subdivision lot plan signs.** These are permitted if not in excess of 20 square feet on any subdivision, provided that no "for sale" signs shall be placed on the individual lots. The sign shall be placed on the subdivision property. Individual lot number signs not in excess of one square foot may be placed on each lot. The sign shall be removed when all lots are sold or after 3 years, whichever is shorter.

- O. **Subdivision signs.** Subdivision signs shall not exceed 12 square feet including any posts or decoration. A sign may be placed at each entrance to the subdivision.
- P. **Town and community event signs.** Up to one month in advance of and during Town-wide and community events, signs not exceeding 30 square feet may be displayed as a means of publicizing the event.
- Q. **Visitor information signs.** Not-for-profit organizations providing visitor information to the general public are permitted to erect one sign not exceeding six square feet in size to advise the public of this service. Visitor information sign will be permitted in Brewster at locations designated by the Board of Selectmen. These signs are allowed in addition to any other signs allowed by the Brewster Sign By-law at the site.
- R. **“Welcome to Brewster” signs.** Welcome signs are permitted at entrances to the Town. Signs shall not exceed 16 square feet and the top of said sign shall be no higher than eight feet above ground level.
- S. **Window signs.** Window signs are permitted as long as the total area of all such signs does not exceed 25% of all glazing area on which the signs appear.

§ 179-20.6. Off-premises signs.

A. Off-premises sign.

- 1. Any business wishing to place a sign on property other than its own, in addition to obtaining all requisite permits from the Massachusetts Outdoor Advertising Board and any other regional, state and local approvals, shall obtain written permission from the property owner and lessee if applicable, where the sign will be posted and shall provide said written permission to the Building Official with the permit application or notification materials.
- 2. An off-premises business sign shall only be posted within a commercial (CH), village business (VB) or industrial (I) district, except for agricultural uses as defined in Article I (Definitions) of this by-law which may be posted within a residential district.
- 3. Entities wishing to place off-premises signage on state-owned property or within state rights-of-way such as Route 6A shall seek permission from the state, in addition to meeting local requirements.
- 4. An off-premises sign shall be included in the calculation of total allowable signage for the property or business it is placed upon.
- 5. No permanent, commercial sign shall be allowed on any municipal property.
- 6. Ladder Signs:
 - a) Ladder Signs are permitted at intersections of public ways which service commercial areas, preexisting businesses or town-owned community facilities as established by the Board of Selectmen:
 - b) Ladder Sign Regulations.
 - i. Signs shall be of a uniform design with a dark green background (dark green glossy, as in Town signs, or equal) and white letters, all in a non-Day-Glo paint, and shall be supported by unpainted, treated four-by-four, ground mounted posts.
 - ii. Signs shall not exceed 21 square feet in area and three feet in width between the support posts nor be more than 8 feet in height to the top of the uppermost ladder. No signs shall be mounted below 12 inches from grade.

- iii. Signs shall be constructed of a series of horizontal panels six inches in height and shall be constructed in a manner that panels may be placed one above the other and be separately removable.
- iv. The subject matter of a sign shall be generic in nature, such as "drug store," identifying an activity or service, not a specific business name.
- v. Each six-by-thirty-six-inch panel can identify several activities depending upon lettering requirements, and all lettering shall be of uniform character.
- vi. Any ladder signs erected in Brewster will be maintained by the Town in accordance with a ladder sign policy adopted by the Board of Selectmen.
- vii. The lettering on the sign shall be simple block lettering with letters not less than 3 1/2 inches in height.
- viii. The location of all ladder signs shall be selected by the Board of Selectmen.
- ix. There shall be no more than one ladder sign at any intersection.
- x. Any traffic or directional sign owned and installed by a governmental agency shall be permitted.

§ 179-21. Enforcement; abandoned signs; appeals.

A. Enforcement, permits and penalty.

- 1. Permits and certificates of appropriateness.
 - a) All signs regulated by this Article require a sign permit issued by the Building Official with exception of §179-20.3.
 - b) All signs located within the Old King's Highway Historic District require a certificate of appropriateness from the Historic District Committee.
- 2. Fees for sign permits shall be set by the Board of Selectmen.
- 3. The Building Official is authorized to order the repair or removal of any sign and its supporting structure which the Building Official judges to be dangerous or in disrepair or erected or maintained contrary to this Article.
- 4. The Building Official is authorized to issue citations for violations of these regulations by the method provided in MGL c. 40, § 21D.
- 5. Failure to respond to a properly issued citation within 21 days will make the person, trust or other enterprise exhibiting a sign not in compliance with this article, unless afforded protection under Article VIII of this chapter.

B. Signs not complying with this article.

- 1. Signs without a valid permit shall be removed within 120 days of passage of this article.
- 2. Pre-existing signs and signs with valid permits:
 - a) A legally pre-existing non-conforming sign or a sign with a valid permit issued prior to enactment of this article must remain in compliance with the requirements and conditions that enabled the valid permit to be originally issued.
 - b) Failure of compliance will result in automatic revocation of the prior issued valid permit and require compliance with this Article for issuance of a current valid permit.
 - c) Pre-existing, non-conforming signs that are relocated, replaced, structurally altered or not kept in a state of good repair shall not be allowed to continue as non-conforming signs and shall require new permits and compliance with this by-law, unless relocated due to eminent domain taking.
 - d) A lawfully pre-existing non-conforming sign destroyed by natural disaster or

accident may be replaced by a sign of the same dimensions, style, and in the same location as the original sign, but must be permitted.

C. Abandoned signs.

1. When the Building Official finds that a sign has been abandoned, written notice ordering its removal shall be sent by certified mail, return receipt requested, to the owner of the property on which the sign is located and to the person to whom the permit was issued if not the owner.
2. If a sign is not removed within 14 days of the issuance of an order, the Building Official shall remove or arrange for the removal of the sign. The sign shall be stored by the Building Official in a safe location for 30 days, after which time it may be appropriately disposed of. Any costs incurred shall be borne by the sign owner and if unpaid after 30 days, the Town may place a lien on any of the sign owner's property in Town.

D. Appeals.

Any individual aggrieved by a decision of the Building Official may appeal to the Brewster Board of Appeals as provided under MGL C. 40A of the Commonwealth of Massachusetts except that no variances may be granted for off-premises signs.

or to take any other action relative thereto.

Summary

This article is a complete reworking of the regulations governing signs in Brewster. Signs are regulated by use, not by the zoning district where the use is located. Also, we have attempted to make the by-law clearer, easier to understand, easier to follow, and more business friendly.

It is important to note that businesses located within the Old King's Highway Historic District are still subject to review and approval for all proposed signage.